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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3706 OF 2007

Lal Bahadur Pal & Anr. .. Petitioners

V/s

State of Maharashtra .. Respondent

Mr.Ganesh Savani for the petitioners.

Mr.Rajesh More, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 11TH DECEMBER 2007

P.C. :

1. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners seek anticipatory bail in connection with the offence registered against them under C.R. No.I-158/2007 at Kashi Mira Police Station punishable under sections 376, 366-A, 506(2) read with 34 of the I.P.C. and sections 4 & 5 of the Prevention of Immoral Traffic Act, 1956 and sections 4 & 6 of the Indecent Representation of Woman (Prohibition) Act, 1986.

3. The offences are non-bailable and are of serious nature. The victim Ms.Swati Patil has filed an F.I.R. against the petitioners. Learned A.P.P. states that the investigation is going on and presence of the petitioners is necessary for interrogation. The petitioners are hiding themselves and were not found at their residential address when police visited it on three occasions.

4. Taking into consideration the gravity of the offences and also the fact that the petitioners are not available at the given address, and the need for custodial interrogation, I do not find it appropriate to grant anticipatory bail at this stage to the petitioners. Application for anticipatory bail is accordingly rejected.

5. It is clarified that all observations herein are only prima facie and made for the purpose of considering the anticipatory bail application. In the event the petitioners, apply for regular bail after arrest, the same shall be considered by the court on its own merits without being influenced by any of the observations made herein.

(D.G. KARNIK, J.)